

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2243-01  
Bill No.: HB 993  
Subject: Modifies statutes relating to the qualification and disqualification of employees of the Department of Mental Health and the Division of Aging.  
Type: Original  
Date: April 16, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 3 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol** stated the proposed legislation would not fiscally impact their organization.

Officials from the **Department of Mental Health (DMH)** stated no new staff, equipment, rental space or other financial responsibility is required of the DMH. The specified procedural requirements are already in practice at the DMH. There would be no fiscal impact to the DMH.

Officials from the **Department of Social Services - Division of Aging (DOS-DA)** stated the DA believes providing a copy of the DA EDL to the Department of Mental Health in electronic format for inclusion within the DMH disqualification listing will not have a significant fiscal impact on operations or workloads.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### DESCRIPTION

This bill revises provisions pertaining to qualifications and disqualifications of employees of the Department of Mental Health and the Division of Aging. In its main provisions, the bill:

- (1) Prohibits persons from being employed in any mental health facility or program who are listed on the disqualification lists of the Department of Mental Health or the Division of Aging or who plead guilty or nolo contendere to patient mistreatment or furnishing unfit food to patients;
- (2) Prohibits persons who are convicted of various felonies or who violate patient abuse and neglect reporting requirements from holding any direct care positions in any facility or day program licensed, operated, or funded by the department;

DESCRIPTION (continued)

- (3) Disqualifies persons who receive a suspended imposition of sentence or a suspended execution of sentence from employment;
- (4) Prohibits persons from the right to appeal if they are listed on the disqualification list of the division or are disqualified due to the commission of various crimes;
- (5) Requires applicants for direct care positions in mental health facilities, specialized services, and day programs to sign a consent form for a criminal records review, disclose any criminal history, and disclose if they are listed on the department's or division's disqualification list;
- (6) Requires mental health facilities, day programs, and specialized services to request a criminal background check and to inquire if a new employee is listed on the department's or division's disqualification list within 2 working days;
- (7) Requires the department to maintain a disqualification registry; and
- (8) Deletes language pertaining to facilities, day programs, or specialized services operated or funded by the Department of Mental Health from the definition "provider" contained in Section 660.317, RSMo, pertaining to criminal background checks for the Department of Social Services.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Mental Health  
Department of Social Services - Division of Aging  
Department of Public Safety - Missouri Highway Patrol



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Director

April 16, 2001